

LEVEL 1 - 44 OF 48 SECTIONS

ILLINOIS COMPILED STATUTES ANNOTATED
Copyright (c) 1993 - 1996 by Michie,
a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.
All rights reserved.

*** THIS SECTION IS CURRENT THROUGH PUBLIC ACT 89-444 (APPROVED
1-25-96) ***
*** (1996 REGULAR SESSION) ***

CHAPTER 50. LOCAL GOVERNMENT
POLICE, FIRE, AND EMERGENCY SERVICES
EMERGENCY TELEPHONE SYSTEM ACT

50 ILCS 750/15.3 (1996)

OLD-CITE: [Prior to 1/1/93 cited as: Ill. Rev. Stat., Ch. 134, para.
45.3]

§ 50 ILCS 750/15.3. [Monthly surcharge; approval; amount]

Sec. 15.3. (a) The corporate authorities of any municipality or any county may, subject to the limitations of subsections (c), (d), and (h), and in addition to any tax levied pursuant to Section 8-11-2 of the Illinois Municipal Code [65 ILCS 5/8-11-2], impose a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the municipality or county imposing the surcharge at a rate per network connection determined in accordance with subsection (c). A municipality may enter into an intergovernmental agreement with any county in which it is partially located, when the county has adopted an ordinance to impose a surcharge as provided in subsection (c), to include that portion of the municipality lying outside the county in that county's surcharge referendum. If the county's surcharge referendum is approved, the portion of the municipality identified in the intergovernmental agreement shall automatically be disconnected from the county in which it lies and connected to the county which approved the referendum for purposes of a surcharge on telecommunications carriers.

(b) For purposes of computing the surcharge imposed by subsection (a), the network connections to which the surcharge shall apply shall be those in-service network connections, other than those network connections assigned to the municipality or county, where the service address for each such network connection or connections is located within the corporate limits of the municipality or county levying the surcharge. The "service address" shall mean the location of the primary use of the network connection or connections. With respect to network connections provided for use with pay telephone services for which there is no billed subscriber, the telecommunications carrier providing the network connection shall be deemed to be its own billed subscriber for purposes of applying the surcharge.

(c) Upon the passage of an ordinance to impose a surcharge under this Section the clerk of the municipality or county shall certify the question of whether



LEXIS·NEXIS®
A member of the Reed Elsevier plc group



LEXIS·NEXIS®
A member of the Reed Elsevier plc group



LEXIS·NEXIS®
A member of the Reed Elsevier plc group

50 ILCS 750/15.3 (1996)

the surcharge may be imposed to the proper election authority who shall submit the public question to the electors of the municipality or county in accordance with the general election law; provided that such question shall not be submitted at a consolidated primary election. The public question shall be in substantially the following form:

Shall the county (or city, village
or incorporated town) of..... YES
impose a surcharge of up to.....¢
per month per network connection,
which surcharge will be added to
the monthly bill you receive for
telephone or telecommunications
charges, for the purpose of installing NO
(or improving) a 9-1-1 Emergency
Telephone System?

If a majority of the votes cast upon the public question are in favor thereof, the surcharge shall be imposed.

However, if a Joint Emergency Telephone System Board is to be created pursuant to an intergovernmental agreement under Section 15.4 [50 ILCS 750/15.4], the ordinance to impose the surcharge shall be subject to the approval of a majority of the total number of votes cast upon the public question by the electors of all of the municipalities or counties, or combination thereof, that are parties to the intergovernmental agreement.

The referendum requirement of this subsection (c) shall not apply to any municipality with a population over 500,000 or to any county in which a proposition as to whether a sophisticated 9-1-1 Emergency Telephone System should be installed in the county, at a cost not to exceed a specified monthly amount per network connection, has previously been approved by a majority of the electors of the county voting on the proposition at an election conducted before the effective date of this amendatory Act of 1987.

(d) A county may not impose a surcharge, unless requested by a municipality, in any incorporated area which has previously approved a surcharge as provided in subsection (c) or in any incorporated area where the corporate authorities of the municipality have previously entered into a binding contract or letter of intent with a telecommunications carrier to provide sophisticated 9-1-1 service through municipal funds.

(e) A municipality or county may at any time by ordinance change the rate of the surcharge imposed under this Section if the new rate does not exceed the rate specified in the referendum held pursuant to subsection (c).

(f) The surcharge authorized by this Section shall be collected from the subscriber by the telecommunications carrier providing the subscriber the network connection as a separately stated item on the subscriber's bill.

(g) The amount of surcharge collected by the telecommunications carrier shall be paid to the particular municipality or county or Joint Emergency Telephone System Board not later than 30 days after the surcharge is collected, net of any network or other 9-1-1 or sophisticated 9-1-1 system charges then due the



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group



LEXIS·NEXIS®

Ⓜ A member of the Reed Elsevier plc group

particular telecommunications carrier, as shown on an itemized bill. The telecommunications carrier collecting the surcharge shall also be entitled to deduct 3% of the gross amount of surcharge collected to reimburse the telecommunications carrier for the expense of accounting and collecting the surcharge.

(h) A municipality with a population over 500,000 may not impose a monthly surcharge in excess of \$1.25 per network connection.

(i) Any municipality or county or joint emergency telephone system board that has imposed a surcharge pursuant to this Section prior to the effective date of this amendatory Act of 1990 shall hereafter impose the surcharge in accordance with subsection (b) of this Section.

(j) The corporate authorities of any municipality or county may issue, in accordance with Illinois law, bonds, notes or other obligations secured in whole or in part by the proceeds of the surcharge described in this Section. Notwithstanding any change in law subsequent to the issuance of any bonds, notes or other obligations secured by the surcharge, every municipality or county issuing such bonds, notes or other obligations shall be authorized to impose the surcharge as though the laws relating to the imposition of the surcharge in effect at the time of issuance of the bonds, notes or other obligations were in full force and effect until the bonds, notes or other obligations are paid in full. The State of Illinois pledges and agrees that it will not limit or alter the rights and powers vested in municipalities and counties by this Section to impose the surcharge so as to impair the terms of or affect the security for bonds, notes or other obligations secured in whole or in part with the proceeds of the surcharge described in this Section.

(k) Any surcharge collected by or imposed on a telecommunications carrier pursuant to this Section shall be held to be a special fund in trust for the municipality, county or Joint Emergency Telephone Board imposing the surcharge. Except for the 3% deduction provided in subsection (g) above, the special fund shall not be subject to the claims of creditors of the telecommunication carrier.

HISTORY:

Source: P.A. 86-101; 86-1344.

NOTES:

NOTE.

This section was Ill.Rev.Stat., Ch. 134, para. 45.3.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

LEVEL 1 - 45 OF 48 SECTIONS

ILLINOIS COMPILED STATUTES ANNOTATED
Copyright (c) 1993 - 1996 by Michie,
a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.
All rights reserved.

*** THIS SECTION IS CURRENT THROUGH PUBLIC ACT 89-444 (APPROVED
1-25-96) ***
*** (1996 REGULAR SESSION) ***

CHAPTER 50. LOCAL GOVERNMENT
POLICE, FIRE, AND EMERGENCY SERVICES
EMERGENCY TELEPHONE SYSTEM ACT

50 ILCS 750/15.4 (1996)

OLD-CITE: [Prior to 1/1/93 cited as: Ill. Rev. Stat., Ch. 134, para.
45.4]

§ 50 ILCS 750/15.4. Emergency Telephone System Board; powers

Sec. 15.4. Emergency Telephone System Board; powers. (a) The corporate authorities of any county or municipality that imposes a surcharge under Section 15.3 [50 ILCS 750/15.3] shall establish an Emergency Telephone System Board. The corporate authorities shall provide for the manner of appointment and the number of members of the Board, provided that the board shall consist of not fewer than 5 members, one of whom may be a public member who is a resident of the local exchange service territory included in the 9-1-1 coverage area, one of whom (in counties with a population less than 100,000) may be a member of the county board, and at least 3 of whom shall be representative of the 9-1-1 public safety agencies, including but not limited to police departments, fire departments, emergency medical services providers, and emergency services and disaster agencies, and appointed on the basis of their ability or experience. Elected officials are also eligible to serve on the board. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Any 2 or more municipalities, counties, or combination thereof, that impose a surcharge under Section 15.3 [50 ILCS 750/15.3] may, instead of establishing individual boards, establish by intergovernmental agreement a Joint Emergency Telephone System Board pursuant to this Section. The manner of appointment of such a joint board shall be prescribed in the agreement.

(b) The powers and duties of the board shall be defined by ordinance of the municipality or county, or by intergovernmental agreement in the case of a joint board. The powers and duties shall include, but need not be limited to the following:

(1) Planning a 9-1-1 system.

(2) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems.



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group

50 ILCS 750/15.4 (1996)

(3) Receiving monies from the surcharge imposed under Section 15.3 [50 ILCS 750/15.3], and from any other source, for deposit into the Emergency Telephone System Fund.

(4) Authorizing all disbursements from the fund.

(5) Hiring any staff necessary for the implementation or upgrade of the system.

(c) All monies received by a board pursuant to a surcharge imposed under Section 15.3 [50 ILCS 750/15.3] shall be deposited into a separate interest-bearing Emergency Telephone System Fund account. The treasurer of the municipality or county that has established the board or, in the case of a joint board, any municipal or county treasurer designated in the intergovernmental agreement, shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures may be made from such fund except upon the direction of the board by resolution passed by a majority of all members of the board. Expenditures may be made only to pay for the costs associated with the following:

(1) The design of the Emergency Telephone System.

(2) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.

(3) The repayment of any monies advanced for the implementation of the system.

(4) The charges for Automatic Number Identification and Automatic Location Identification equipment, and maintenance, replacement and update thereof.

(5) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.

(6) The acquisition and installation, or the reimbursement of costs therefor to other governmental bodies that have incurred those costs, of road or street signs that are essential to the implementation of the emergency telephone system and that are not duplicative of signs that are the responsibility of the jurisdiction charged with maintaining road and street signs.

(7) Other products and services necessary for the implementation, upgrade and maintenance of the system and any other purpose related to the operation of the system, including costs attributable directly to the construction, leasing, or maintenance of any buildings or facilities or costs of personnel attributable directly to the operation of the system. Costs attributable directly to the operation of an emergency telephone system do not include the costs of public safety agency personnel who are and equipment that is dispatched in response to an emergency call.

(d) The board shall complete the data base before implementation of the 9-1-1 system. The error ratio of the data base shall not at any time exceed 1% of the total data base.

HISTORY:

Source: P.A. 86-101; 86-1350; 87-146; 88-497, § 5.



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

NOTES:

NOTE.

This section was Ill.Rev.Stat., Ch. 134, para. 45.4.

EFFECT OF AMENDMENTS.

The 1993 amendment by P.A. 88-497, effective September 13, 1993, added the section catchline; deleted ", on a temporary basis," following "Hiring" in subdivision (b) (5); inserted present subdivision (c) (6); and redesignated former subdivision (c) (6) as present subdivision (c) (7).

OPINIONS OF THE ATTORNEY GENERAL

ANALYSIS

Costs

--Purchase of Street Signs

Incompatible Offices

--Shown

Prohibited Activities

COSTS

--PURCHASE OF STREET SIGNS

The language of subdivision (c) (6) indicates that the General Assembly contemplated that moneys in the emergency telephone system fund would be expended only to cover costs specifically associated with the operation and maintenance of a telephone service for handling emergency service requests. The language of the act does not encompass costs which are attributable to increasing the operational efficiency of an emergency services program generally. Although the erection of street signs may be a desirable aspect of improving emergency response, it is not necessary for the implementation, upgrade or maintenance of an emergency telephone system, therefore, street signs may not be purchased and erected with moneys held in the emergency telephone system fund. 1992 Op. Atty. Gen. (92-019).

INCOMPATIBLE OFFICES

--SHOWN

A county board member is under duty to represent and protect the interests of the county, while an Emergency Telephone System Board member is under duty to represent and protect the interests of the 9-1-1 system; because of the funding relationship between the county and the Emergency Telephone System Board, and the possibility that the interests of the county and the Emergency Telephone System Board in this regard may be divergent and contrary, a person holding these two offices could not fully and impartially represent the interests of both governmental units. 1991 Op. Atty. Gen. (91-028).

PROHIBITED ACTIVITIES

A violation of section 3 of the Public Officer Prohibited Activities Act (50 ILCS 105/3) will occur if a county board member is also employed as a paid employee of the emergency telephone system for the county which he or she serves. 1992 Op. Atty. Gen. (92-019).



LEXIS·NEXIS
 A member of the Reed Elsevier plc group



LEXIS·NEXIS
 A member of the Reed Elsevier plc group



LEXIS·NEXIS
 A member of the Reed Elsevier plc group

LEVEL 1 - 46 OF 48 SECTIONS

ILLINOIS COMPILED STATUTES ANNOTATED
Copyright (c) 1993 - 1996 by Michie,
a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.
All rights reserved.

*** THIS SECTION IS CURRENT THROUGH PUBLIC ACT 89-444 (APPROVED
1-25-96) ***
*** (1996 REGULAR SESSION) ***

CHAPTER 50. LOCAL GOVERNMENT
POLICE, FIRE, AND EMERGENCY SERVICES
EMERGENCY TELEPHONE SYSTEM ACT

50 ILCS 750/15.5 (1996)

§ 50 ILCS 750/15.5. Private switch residential service 9-1-1 service

Sec. 15.5. Private switch residential service 9-1-1 service. (a) After June 30, 1995, an entity that provides or operates private residential switch service and provides telecommunications facilities or services to residents shall provide to those residential end users the same level of 9-1-1 service as the public agency and the telecommunications carrier are providing to other residential end users of the local 9-1-1 system. This service shall include, but not be limited to, the capability to identify the telephone number, extension number, and the physical location that is the source of the call to the number designated as the emergency telephone number.

(b) The private residential switch operator is responsible for forwarding end user automatic location identification record information to the 9-1-1 system provider according to the format, frequency, and procedures established by that system provider.

(c) An entity that violates this Section is guilty of a business offense and shall be fined not less than \$1,000 and not more than \$5,000.

(d) Nothing in this Section shall be construed to preclude the Attorney General on behalf of the Commission or on his or her own initiative, or any other interested person, from seeking judicial relief, by mandamus, injunction, or otherwise, to compel compliance with this Section.

HISTORY:

Source: P.A. 88-604, § 3; 89-222, § 5.

NOTES:

EFFECTIVE DATE.

Section 99 of P.A. 88-604 made this section effective upon becoming law. The Act was approved September 1, 1994.

EFFECT OF AMENDMENTS.

The 1995 amendment by P.A. 89-222, effective January 1, 1996, substituted the present language in subsection (c) for "An Illinois local exchange telecommunications carrier shall file tariffs indicating that as a condition of



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group

service to private residential switch systems, the systems shall adhere to the requirements of this Act; and added subsection (d).



LEXIS·NEXIS®
A member of the Reed Elsevier plc group



LEXIS·NEXIS®
A member of the Reed Elsevier plc group



LEXIS·NEXIS®
A member of the Reed Elsevier plc group

LEVEL 1 - 47 OF 48 SECTIONS

ILLINOIS COMPILED STATUTES ANNOTATED
 Copyright (c) 1993 - 1996 by Michie,
 a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.
 All rights reserved.

*** THIS SECTION IS CURRENT THROUGH PUBLIC ACT 89-444 (APPROVED
 1-25-96) ***

*** (1996 REGULAR SESSION) ***

CHAPTER 50. LOCAL GOVERNMENT
 POLICE, FIRE, AND EMERGENCY SERVICES
 EMERGENCY TELEPHONE SYSTEM ACT

50 ILCS 750/15.6 (1996)

§ 50 ILCS 750/15.6. Private business switch service 9-1-1 service

Sec. 15.6. Private business switch service 9-1-1 service. (a) Private business switch service 9-1-1 service. After June 30, 1996, an entity that installs or operates a new private business switch service or replaces an existing private business switch service and provides telecommunications facilities or services to businesses shall provide to those business end users the same level of 9-1-1 service as the public agency and the telecommunications carrier are providing to other business end users of the local 9-1-1 system. This service shall include, but not be limited to, the capability to identify the telephone number, extension number, and the physical location that is the source of the call to the number designated as the emergency telephone number. After June 30, 1999, all entities providing or operating a private business switch service shall be in compliance with this Section.

(b) The private business switch operator is responsible for forwarding end user automatic location identification record information to the 9-1-1 system provider according to the format, frequency, and procedures established by that system provider.

(c) An entity that violates this Section is guilty of a business offense and shall be fined not less than \$1,000 and not more than \$5,000.

(d) Nothing in this Section shall be construed to preclude the Attorney General on behalf of the Commission or on his or her own initiative, or any other interested person, from seeking judicial relief, by mandamus, injunction, or otherwise, to compel compliance with this Section.

HISTORY:

Source: P.A. 88-604, § 3; 89-222, § 5.

NOTES:

EFFECTIVE DATE.

Section 99 of P.A. 88-604 made this section effective upon becoming law. The Act was approved September 1, 1994.

EFFECT OF AMENDMENTS.



LEXIS·NEXIS
 A member of the Reed Elsevier plc group



LEXIS·NEXIS
 A member of the Reed Elsevier plc group



LEXIS·NEXIS
 A member of the Reed Elsevier plc group

The 1995 amendment by P.A. 89-222, effective January 1, 1996, in subsection (a) added the subsection catchline; substituted the language in subsection (c) for "An Illinois local exchange telecommunications carrier shall file tariffs indicating that as a condition of service to private residential switch systems, the systems shall adhere to the requirements of this Act"; and added subsection (d).

**LEXIS·NEXIS®**

A member of the Reed Elsevier plc group

**LEXIS·NEXIS®**

A member of the Reed Elsevier plc group

**LEXIS·NEXIS®**

A member of the Reed Elsevier plc group

LEVEL 1 - 48 OF 48 SECTIONS

ILLINOIS COMPILED STATUTES ANNOTATED
Copyright (c) 1993 - 1996 by Michie,
a division of Reed Elsevier Inc. and Reed Elsevier Properties Inc.
All rights reserved.

*** THIS SECTION IS CURRENT THROUGH PUBLIC ACT 89-444 (APPROVED
1-25-96) ***
*** (1996 REGULAR SESSION) ***

CHAPTER 50. LOCAL GOVERNMENT
POLICE, FIRE, AND EMERGENCY SERVICES
EMERGENCY TELEPHONE SYSTEM ACT

50 ILCS 750/16 (1996)

OLD-CITE: [Prior to 1/1/93 cited as: Ill. Rev. Stat., Ch. 134, para.
46]

§ 50 ILCS 750/16. [Effective date]

Sec. 16. This Act takes effect July 1, 1975.

HISTORY:

Source: P.A. 79-1092.

NOTES:

NOTE.

This section was Ill.Rev.Stat., Ch. 134, para. 46.



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group



LEXIS·NEXIS[™]
A member of the Reed Elsevier plc group

MAIL-IT REQUESTED: MARCH 1, 1996

100743

CLIENT: M5601-594-JM-ALDRICH
LIBRARY: ILL
FILE: CODE

YOUR SEARCH REQUEST AT THE TIME THIS MAIL-IT WAS REQUESTED:
CITE (50 PRE/5 750)

NUMBER OF SECTIONS FOUND WITH YOUR REQUEST THROUGH:
LEVEL 1... 48

LEVEL 1 PRINTED

DISPLAY FORMAT: CITE

SEND TO: MERINGOLO, JOE
DICKSTEIN, SHAPIRO & MORIN
2101 L STREET N.W.
WASHINGTON DISTRICT OF COLUMBIA 20037-1526

*****07119*****



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group



LEXIS·NEXIS
A member of the Reed Elsevier plc group